

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,)
)
Plaintiff,) **SECOND AMENDED ORDER**
)
vs.)
)
Joanna Elsie Smith,) Case No. 1:19-cr-160
)
Defendant.)

Before the court is a Motion for Release from Custody filed by defendant on September 11, 2020. Defendant is in Marshal's Service custody at the Heart of America Correctional and Treatment Center in Rugby, North Dakota. She has been accepted into an inpatient treatment program at the Summit Prairie Recovery Center (Summit) in Raleigh, North Dakota. She requests to be conditionally released as soon as practicable so that she can travel to and participate in the program.

The court **GRANTS** defendant's motion (Doc. No. 235). Defendant shall be released to Eleanor Whitebody no earlier than 8:00 a.m. on September 23, 2020, for immediate transport to Summit. While on release, defendant shall comply with the following conditions:

- (1) Defendant shall not violate federal, state, tribal, or local law while on release.
- (2) Defendant shall appear in court as required and surrender for any sentence imposed.
- (3) Defendant shall refrain from the use of alcohol; any use or possession of a narcotic drug and other controlled substances defined in 21 U.S.C. § 802 or state statute, unless prescribed by a licensed medical practitioner, and any use of inhalants. Defendant shall submit to drug/alcohol screening at the direction of the Pretrial

Services Officer to verify compliance. Failure or refusal to submit to testing or tampering with the collection progress or specimen may be considered the same as a positive test.

- (4) Defendant shall not possess a firearm, destructive device, or other dangerous weapon.
- (5) Defendant shall reside at Summit, fully participate in its programming, and comply with all of its rules and regulations. Upon her arrival, she shall contact Pretrial Services Officer Shylah Leonard at (701) 297-7246.
- (6) Defendant shall sign all releases of information requested by the Pretrial Services Officer so that his progress and participation in treatment may be monitored.
- (7) Upon her discharge from the treatment program, defendant shall immediately report to the United States Marshal's office in Bismarck with the understanding that she shall be detained pending further order of the court.

IT IS SO ORDERED.

Dated this 22nd day of September, 2020.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court